

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM****SUBJECT:** Dello Russo Residence PUD Final Master Plan**DEPARTMENT:** Planning and Development **DIVISION:** Planning**AUTHORIZED BY:** Dori DeBord**CONTACT:** Austin Watkins**EXT:** 7440**MOTION/RECOMMENDATION:**

1. Approve the Final Master Plan and Developer's Commitment Agreement and authorize the Chairman to execute the Developer's Commitment Agreement for the Dello Russo Residence PUD, consisting of 10.29 ± acres, located at the northwest corner of Markham Woods Road and S. Stone Gate, based of staff findings (Robert Dello Russo, applicant); or

2. Deny the Final Master Plan and Developer's Commitment Agreement for the Dello Russo Residence PUD, consisting of 10.29 ± acres, located at the northwest corner of Markham Woods Road and S. Stone Gate (Robert Dello Russo, applicant); or

3. Continue the request until a time and date certain.

District 5 Brenda Carey

Austin Watkins

BACKGROUND:

On June 10, 2008, the Board of County Commissioners approved a Major Amendment to the Alaqua Lakes PUD to remove the subject property from the Alaqua Lakes PUD and rezoned it from PUD to PUD to create the Dello Russo Residence PUD. The Dello Russo Residence PUD is approved for for one single-family dwelling no larger than 36,000 square feet and one guest house no larger than 6,000 square feet. The applicant is proposing access through an existing driveway on Markham Woods Road, a 6' masonry or brick wall with a landscaped berm adjacent to the Markham Woods right-of-way and a 100' natural buffer and building setback adjacent to Markham Woods Road. Staff finds that all conditions of approval, as outlined in the Development Order and Preliminary Master Plan are incorporated into the proposed Final Master Plan and Developer's Commitment Agreement.

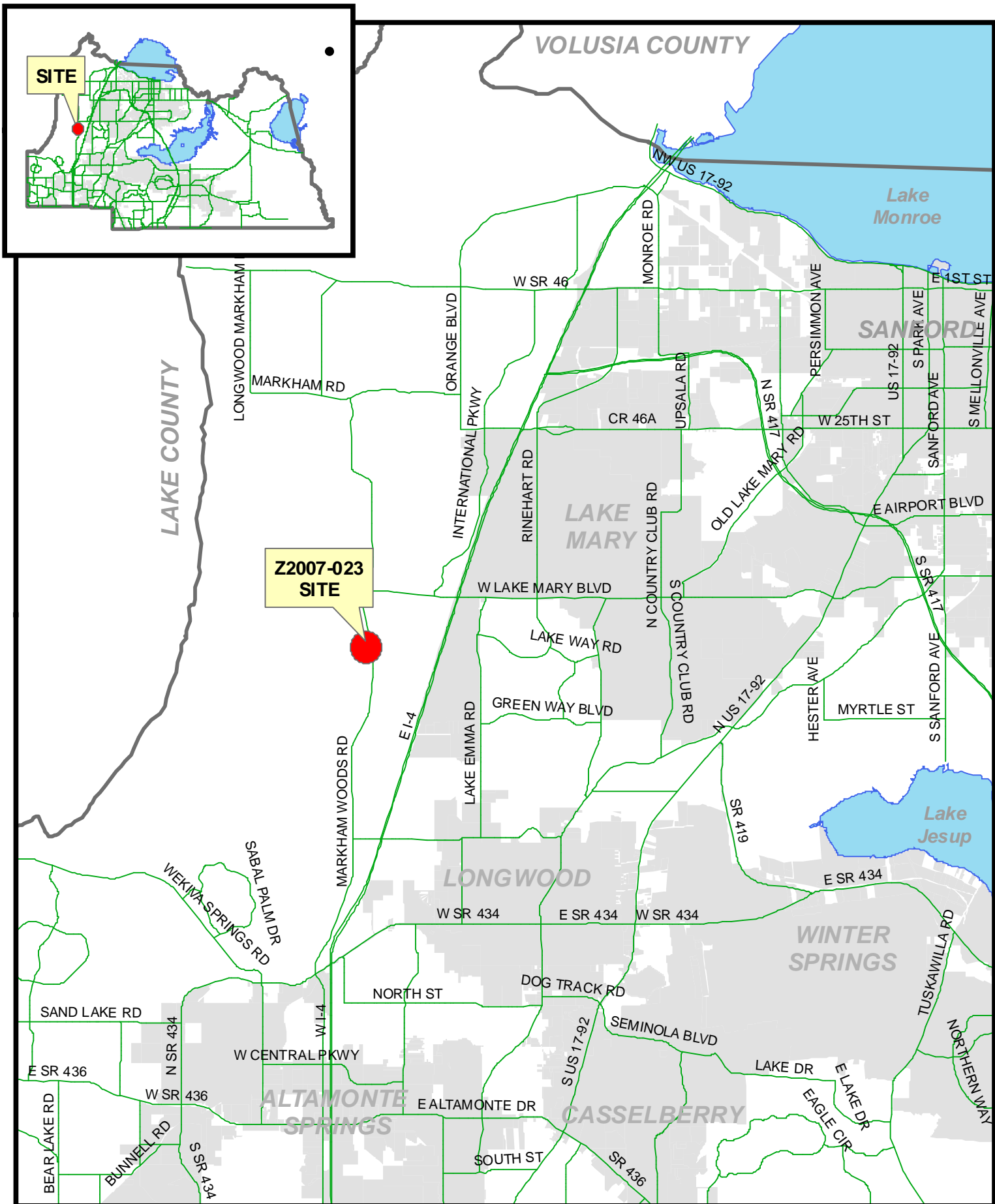
STAFF RECOMMENDATION:

Staff recommends that the Board approve the Final Master Plan and Developer's Commitment Agreement for the Dello Russo Residence PUD, consisting of 10.29 ± acres, located at the northwest corner of Markham Woods Road and S. Stone Gate, based of staff findings.

ATTACHMENTS:



1. Location Map
2. Aerial Map
3. Final Master SitePlan
4. Developer Committment Agreement
5. Development Order

Additionally Reviewed By:☐ County Attorney Review (Kathleen Furey-Tran)





Rezone No: Z2007-023
From: PUD To: PUD

-  Parcel
-  Subject Property



Winter 2006 Color Aerials

**DELLO RUSSO RESIDENCE
PLANNED UNIT DEVELOPMENT
DEVELOPERS COMMITMENT AGREEMENT
COMMITMENTS, CLASSIFICATIONS AND DISTRICT DESCRIPTION**

On September 23, 2008, the Board of County Commissioners of Seminole County, Florida and Robert and Diane Dello Russo executed the Developer's Commitment Agreement relating to and touching and concerning the following described property:

I. LEGAL DESCRIPTION:

See attached Exhibit "A"

II. PROPERTY OWNER:

Robert G. and Diane M. Dello Russo
108 Amberwood Court
Longwood, FL 32719

III. STATEMENT OF BASIC FACTS:

Total Acreage:	10.298 acres
Total Dwelling Units:	Maximum 2 dwelling units
Permitted Uses:	One (1) single-family dwelling up to 36,000 square feet in size and one (1) guest house up to a maximum of 6,000 square feet in size
Site Plan	Development shall comply with the PUD Final Master Plan, attached as Exhibit "B"

IV. LAND USE

Building Pad	.427 acre
Driveways	.566 acre
Pool Area	.210 acre
Open Space	8.418 acres
Row Dedication	.677 acre
TOTAL	10.298 acres

V. BUILDING AND LOT RESTRICTIONS

	Setback	Buffer
Property Maximum Building Height	n/a	n/a 35 ft
North Property Line Setback	30 ft	30 ft
East Property Line Setback	100 ft	50 ft
South/West Property Line	25 ft	25 ft undisturbed upland buffer
Minimum Lot Width**	150 ft	n/a
Accessory Structures, including detached garages, pools, side and rear setbacks***	10 ft	n/a

VI. VEHICLE CIRCULATION SYSTEM

- A. In accordance with the conditions of approval of PUD Zoning, the Developer hereby agrees to:
1. Limit permanent access to Markham Woods Road to a main entrance aligned with Stone Gate South.
 2. Dedicate up to twenty (20) feet of right-of-way along Markham Woods Road as required by Seminole County for a sixty (60) foot half right-of-way for future road widening.

VII. LANDSCAPING, SIGNAGE AND BUFFERS

- A. Landscaping along Markham Woods Road will consist of a combination of trees, wall, or landscape plantings to provide an attractive visual buffer within a twenty (20) foot landscape easement adjacent to the right-of-way.
- B. All landscaped areas to comply with site distance requirements per Green Book Standards.
- C. The Dello Russo Residence shall be permitted to have an entry sign not to exceed thirty-two (32) square feet of copy area, located along Markham Woods Road.
- D. There will be a 100 foot natural buffer between the property line and Markham Woods Road. The buffer will be supplemented with additional plant material where necessary to create a visually opaque screen.
- E. The Developer shall provide the following buffers along Markham Woods Road:

A 100 foot natural buffer measured from the ROW line of Markham Woods Road as shown on the final master plan.

- F. An upland buffer average 50 feet but no less than 25 feet in width shall be maintained surrounding areas assigned the Conservation land use designation or FP-1 or W-1 zoning classification or properties which have been designated as conservation areas or conservation easements within or adjacent to the PUD.
- G. A 6' masonry or brick wall with an associated landscaped berm is permitted within the 100' natural buffer (eastern property line) adjacent to the Mark Woods Road right-of-way. At least 4 canopy trees every 100' linear feet must be provided in-between the wall and Markham Woods Road. No canopy trees over 8" in diameter may be removed to install the wall. The wall and adjacent landscaping shall comply with the Wall Cross Section, attached as Exhibit "C".
- H. Developer shall demonstrate that at least fifty percent (50%) of the trees located within the developable areas of Tract V, including areas subject to residential platting, are preserved on-site. When fifty percent (50%) of the trees cannot be reasonably preserved, a tree replacement ratio shall be implemented as provided for in the Land Development Code of Seminole County. This ratio shall require an increasing number of replacement trees based upon the size of a tree's caliper.

VIII. **OTHER COMMITMENTS**

- A. The maximum allowable building height shall be thirty-five feet.
- B. Development shall comply with the Final Master Plan, attached as Exhibit "B".
- C. The property provides 8.41 acres of open space within the site. The open space shall be provided on the individual lots and maintained by the property owner.

IX. **FACILITY COMMITMENTS**

The following conditions shall be met by the Owner prior to a certificate of occupancy being issued by Seminole County.

- A. **Water.** Water services has been previously provided by the existing Seminole County Environmental Services water system. The design of lines has been previously approved and complies with the Land Development Code and conforms to the Seminole County and Florida Department of Environmental Protection standards.
- B. **Sanitary Sewer.** Sanitary sewer has been previously provided by the existing Seminole County Environmental Services treatment facilities. Design of lines has been previously approved and complies with the Land Development Code and conforms to the Seminole County and Florida Department of Environmental Protection standards.

C. **Stormwater.** Stormwater drainage and stormwater management has been previously provided according to the Seminole County's and St. Johns River Water Management District's stormwater regulations.

D. **Fire Protection.** Fire protection has been previously provided by Seminole County. Fire hydrants have been previously located according to the Seminole County regulations.

X. **STANDARD COMMITMENTS**

A. Unless specifically addressed otherwise herein, all development shall fully comply with all codes and ordinances, including the impact fee ordinances, in effect in Seminole County at the time of permit issuance.

B. This Developer's Commitment Agreement touches and concerns the aforescribed property and the conditions, commitments and provisions of the Developer's Commitment Agreement shall perpetually burden, run with and follow the said property and be servitude upon binding upon said property unless release in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The Owner has expressly covenanted and agreed to this provision and all other terms and provision of this Developer's Commitment Agreement.

C. The terms and provisions of the Developer's Commitment Agreement are not severable and in the event that any portion of this Developer's Commitment Agreement shall be found to be invalid or illegal then the entire Developer's Commitment Agreement shall be null and void.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Brenda Carey, Chairman

OWNERS' CONSENT AND COVENANT

COMES NOW, the owners, Robert and Diane Dello Russo, on behalf of itself and its heirs agents, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Developer's Commitment Agreement.

WITNESSES:

Print Name: _____

Print Name: _____

WITNESSES:

Print Name: _____

Print Name: _____

OWNER:

Robert G. Dello Russo

Robert G. Dello Russo

OWNER:

Diane M. Dello Russo

Diane M. Dello Russo

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2008, by _____, as _____, who is personally known to me or who has produced _____ as identification.

Notary Public

(Name of Notary, typed, printed or stamped)
My Commission Expires:

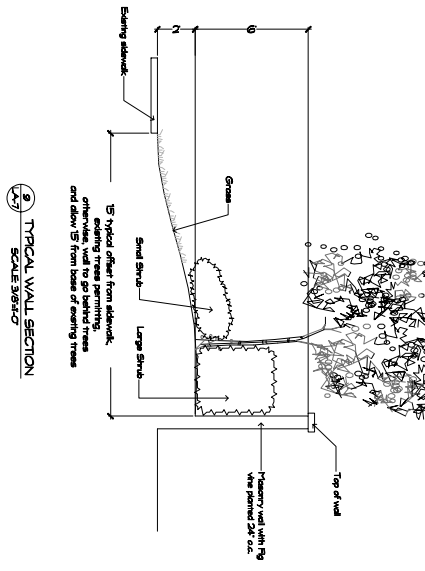
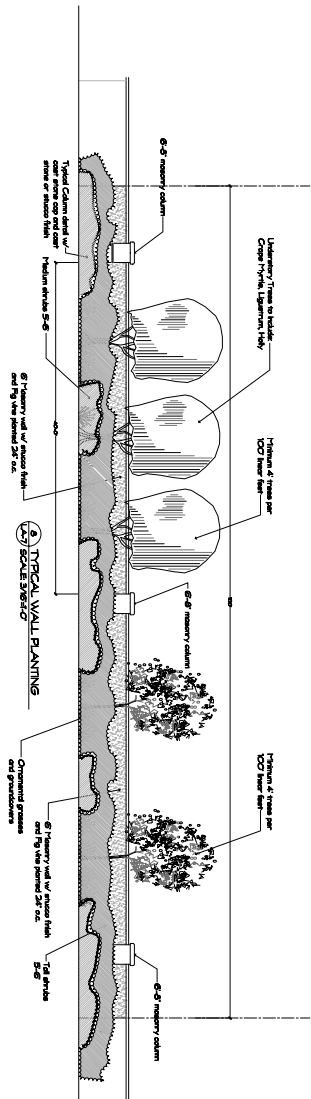
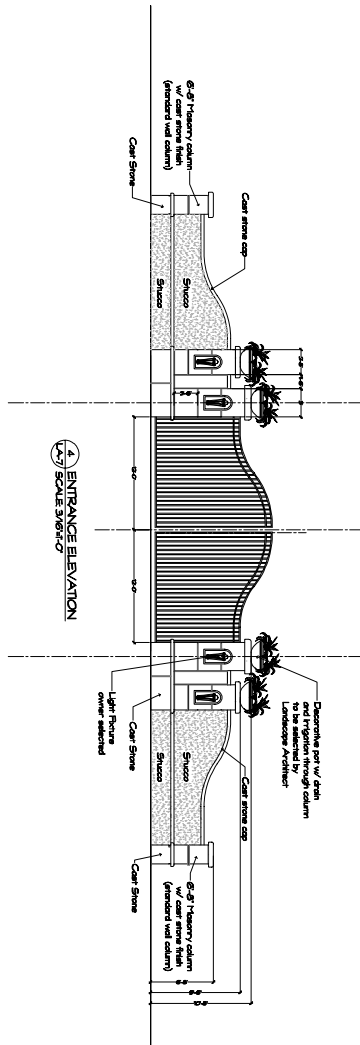
EXHIBIT "A"

Legal Description

That part of Tract "F3", ALAQUA LAKES PHASE I, as recorded in Plat Book 52, Pages 70 through 80, of the Public Records of Seminole County, Florida, described as follows: Begin at the Southeast corner of said Tract "F3"; then run N 89°38'54" W along the South line of said Tract "F3" for a distance of 40.07 feet; then the following eighteen (18) courses along the Westerly boundary of said Tract "F3": N 21°37'22" W for a distance of 121.66 feet; thence run N 01°49'41" E for a distance of 72.48 feet; thence run N 27°40'07" W for a distance of 74.44 feet; thence run N 30°51'50" W for a distance of 48.14 feet; thence run N 64°13'22" W for a distance of 45.71 feet; thence run N 38°14'04" W for a distance of 58.47 feet; thence run N 50°35'27" W for a distance of 54.00 feet; thence run S 84°00'52" W for a distance of 51.44 feet thence run N 60°11'05" W for a distance of 67.20 feet; thence run N 30°35'39" W for a distance of 95.50 feet; thence run N 05°22'23" E for a distance of 73.58 feet; thence run N 18°51'46" W for a distance of 70.82 feet; thence run N 26°27'20" W for a distance of 67.18 feet; thence run N 57°15'46" W for a distance of 51.14 feet; thence run N 02°02'15" W for a distance of 96.48 feet; thence run N 59°20'25" W for a distance of 80.54 feet; thence run N 53°54'22" W for a distance of 98.99 feet; thence run N 57°42'21" W for a distance of 63.49 feet; thence run N 45°44'41" E for a distance of 719.00 feet to the West right-of-way line of Markham Woods Road; thence run S 11°40'54" E along said West right-of-way line for a distance of 786.90 feet to the point of curvature of a curve concave Southwesterly having a radius of 1615.39 feet; thence run southeasterly along the arc of said curve and said West right-of-way line through a central angle of 10°41'37" for a distance of 301.49 feet to the point of tangency; thence run S 00°59'17" E along said West right-of-way line for a distance of 393.17 feet to the POINT OF BEGINNING. Containing 10.298 acres more or less.

EXHIBIT "B"
Final Master Plan

EXHIBIT "C"
Wall Cross Section



SEMINOLE COUNTY DEVELOPMENT ORDER

On June 10, 2008, Seminole County issued this Development Order relating to and touching and concerning the following property described in the attached legal description as Exhibit "A".

(The aforementioned legal description has been provided to Seminole County by the owner of the subject property.)

FINDINGS OF FACT

Property Owner(s): Robert G. and Diane M. Dello Russo

Project Name: Dello Russo Residence PUD

Requested Development Approval: Rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development).

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Austin Watkins, Senior Planner
1101 East First Street
Sanford, Florida 32771

MARYANNE MORSE, CLERK OF CIRCUIT COURT
SEMINOLE COUNTY
BK 07039 Pgs 0338 - 346; (9pgs)
CLERK'S # 2008087171
RECORDED 07/29/2008 02:20:37 PM
RECORDING FEES 78.00
RECORDED BY G Hartford

CERTIFIED COPY
MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA

BY Eva Roach
DEPUTY CLERK

RETURN TO SANDY MCCANN

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 - A. Permitted Uses: one (1) single-family dwelling up to a maximum of 36,000 gross square feet in size and one (1) guest house up to a maximum of 6,000 gross square feet in size.
 - B. The setbacks shall be as follows:
 - North: 30'
 - South: 25'
 - East: 100'
 - West: 25'
 - C. The buffers shall be as follows:
 - South: 25' minimum undisturbed upland buffer (Tract D)
 - East: 100' natural buffer
 - West: 25' minimum undisturbed upland buffer (Tract D)
 - D. A 6' masonry or brick wall with an associated landscaped berm is permitted within the 100' natural buffer (eastern property line) adjacent to the Markham Woods Road right-of-way. At least 4 canopy trees every 100' linear feet must be provided in-between the wall and Markham Woods Road. No canopy trees over 8' in diameter may be removed to install the wall. The wall and adjacent landscaping shall comply with the Wall Cross Section attached as Exhibit "C".
 - E. 25% usable open space shall be provided on the subject property.
 - F. The maximum allowable building height is 35'.
 - G. Retention of a 100 foot natural buffer between Parcel V and the right-of-way line of Markham Woods Road.
 - H. Developer shall demonstrate that at least fifty percent (50%) of the trees located with the developable areas of Tract V, including areas subject to residential platting, are preserved on-site. When fifty percent (50%) of the trees cannot be reasonably preserved, a tree replacement ratio shall be implemented as provided for in the Land Development Code of Seminole County. This ratio shall require an increasing number of replacement trees based upon the size of a tree's caliper.
 - I. An upland buffer average 50 feet but no less than 25 feet in width shall be maintained surrounding areas assigned the Conservation land use designation or

FP-1 or W-1 zoning classification or properties which have been designated as conservation areas of conservation easement within or adjacent to Tract V.

- J. Development shall comply with the Preliminary Master Plan attached as Exhibit "B".

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

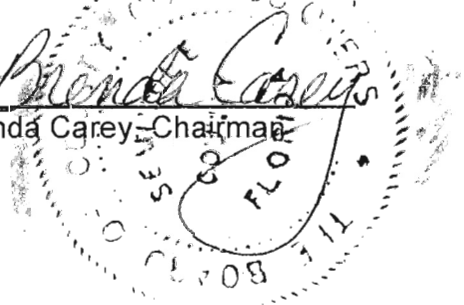
(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

SEMINOLE COUNTY BOARD
OF COUNTY COMMISSIONERS

By: 

Brenda Carey, Chairman



OWNERS' CONSENT AND COVENANT

COMES NOW, the owners, Robert and Diane Dello Russo , on behalf of itself and its heirs agents, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

WITNESSES:

Elizabeth Deen
 Print Name: Elizabeth Deen
Shana McChancey
 Print Name: Shana McChancey

OWNER:

Robert G. Dello Russo

Robert G. Dello Russo
 Robert G. Dello Russo

WITNESSES:

Elizabeth Deen
 Print Name: Elizabeth Deen
Shana McChancey
 Print Name: Shana McChancey

OWNER:

Diane M. Dello Russo

Diane M. Dello Russo
 Diane M. Dello Russo

STATE OF FLORIDA

COUNTY OF Sumner

The foregoing instrument was acknowledged before me this 18 day of July, 2008, by ROBERT G. DELLO RUSSO, as _____, who is personally known to me or who has produced _____ as identification.



Mirinda C. Turner
 Notary Public

Mirinda C. Turner
 (Name of Notary, typed, printed or stamped)
 My Commission Expires:

EXHIBIT "A"**Legal Description**

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EXHIBIT "B"

Preliminary Master Plan

EXHIBIT "C"

Wall Cross Section

